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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

CHARLES MCDONALD,

Petitioner,

vs.

WARDEN BRIAN WILLIAMS, *et al.*,

Respondents.

Case No. 2:19-cv-00261-RFB-DJA

**UNOPPOSED MOTION FOR EXTENSION
OF TIME TO FILE ANSWER TO
AMENDED PETITION FOR WRIT OF
HABEAS CORPUS
(ECF NO. 14)**

(SECOND REQUEST)

Respondents move this Court for an enlargement of time of sixty-two days from the current due date of Wednesday, March 31, 2021 up to and including June 1, 2021 in which to file their answer to Petitioner's Amended Petition for Writ of Habeas Corpus. (ECF No. 14). This motion is made pursuant to Fed. R. Civ. P. 6(b) and Rule 6-1 of the Local Rules of Practice and is based upon the attached affidavit of counsel.

This is the second enlargement of time sought by Respondents and is brought in good faith and not for the purpose of delay.

DATED March 31, 2021.

AARON D. FORD
Attorney General

By: /s/ Allison Herr
ALLISON HERR (Bar No. 5383)
Senior Deputy Attorney General

DECLARATION OF ALLISON HERR

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

I, Allison Herr, being first duly sworn under oath, depose and state as follows:

1. I am an attorney licensed to practice law in all courts within the State of Nevada and am employed as a Senior Deputy Attorney General in the Office of the Nevada Attorney General. I have been assigned to represent Respondents in the case of *Charles E. McDonald v. Brian Williams*, 2:19-cv-00261-RFB-CWH, and as such, have personal knowledge of the matters contained herein.

2. An answer to the Amended Petition for Writ of Habeas Corpus (ECF No. 14) is currently due on Wednesday, March 31, 2021. Respondents have been unable to timely complete their answer in this matter and need additional time.

3. Counsel previously sought an extension in this matter because she had several matters decided coming due at or near the same time. Despite counsel's efforts to reschedule matters in a way that would allow all of the work to be completed; new impediments arose after an evidentiary hearing had to be rescheduled due to the illness of a witness, an emergency matter was scheduled in the state court, and the timeline was skewed by unexpected extensions in other matters.

Further compounding efforts, we have experienced personnel changes within the division, and time has been expended with supervision and training of new personnel; and the Nevada Attorney General's office is subject to periods of unpaid furlough through June 30, 2021. In addition, counsel's mother-in-law who lives with her suffered a collapsed lung and was hospitalized for several days following a failed medical procedure. She has memory issues and can become agitated when in unfamiliar surroundings. Thus, her hospitalization was more disruptive than might otherwise be expected.

This combination of these professional and personal issues interfered with my ability to timely complete this project. Therefore, I am seeking an additional 60-day extension so that Respondents might be properly represented in this matter.

4. In the next thirty days Respondents have several deadlines including an answer due to Wilson 2:19-cv-549, a motion to dismiss in Clemons 2:17-cv-1041, an answer in King-Hardiman 3:19-cv-484, and answer due in Malone 2:18-cv-1146, and a motion to dismiss due in Howard 3:16-cv-631

1 and well as responses due in several state matters. Consequently Respondents are seeking a 62-day
2 extension in order to have adequate time to address this issues in this case.

3 5. I have discussed this matter with opposing counsel, and he does not object to my request
4 for an extension.

5 6. This is the second request for an extension.

6 I declare under penalty of perjury that the foregoing is true and correct.

7 Executed on this 31st day of March, 2021.

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9 /s/ Allison Herr

10 ALLISON HERR (NV Bar No. 5383)

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12 IT IS SO ORDERED:

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15 RICHARD F. BOULWARE, II
16 United States District Judge

17 DATED this 6th day of April, 2021.
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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing ***MOTION FOR EXTENSION OF TIME TO FILE ANSWER TO PETITION FOR WRIT OF HABEAS CORPUS (SECOND REQUEST)*** with the Clerk of the Court by using the CM/ECF system on March 31, 2021.

The following participants in this case are registered electronic filing system users and will be served electronically:

Ron Y. Sung
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/s/ L. Combs
An employee of the Office of the Attorney General